

# WHAT TO DO WHEN YOU'VE RECEIVED A TICKET

When you receive a citation please read the information on the front and back of the citation very carefully. You have four (4) options available to you when responding to the violation(s) on your citation:

1. **Appear in Court.** The time and date you are to appear in Court is on the front of your citation, at the very bottom, left corner. This is your scheduled arraignment time. You should arrive 15 minutes prior to your scheduled arraignment time to check in with the Court Clerk before entering the courtroom. You should also be aware of your rights when appearing before the Court.
2. **Appear at the Municipal Court Window.** At any time before your scheduled Court time you may come to City Hall to pay your full fine amount as indicated on the front of your citation. Based on your driving record, and the type of offense, the Clerk may or may not be able to assess a fine lower than your full fine amount.
3. **Enter a Plea by Written Appearance.** You may enter the following pleas:
  - Guilty
  - No Contest
  - Not Guilty

On the back of your citation, complete the required information for either option 2 or option 3 and mail, or bring your citation to the Court, along with payment of the full fine amount.

*A Guilty or No Contest* plea waives your right to a trial.

*A Not Guilty* plea will result in a trial and you will be notified, by mail, of the trial date. There is a \$50.00 trial fee that must be paid prior to scheduling a trial date.

**When mailing in payment of your fine amount, please make your check or money order payable to the City of Tillamook, and write your citation number on the payment for reference. Receipts for payment are not sent unless accompanied by a self-addressed, stamped envelope.**

When appearing at the Court you should be prepared to pay the full fine amount listed on the front of the citation. All fines are due at the time of appearance. The Court accepts cash, money orders, or personal checks, over the counter, for payment of fines.

4. **Trial by Affidavit.** Contact the Court Clerk, before your scheduled court date to see if you qualify for a Trial by Affidavit under ORS 153.080. If you qualify a trial will be based upon sworn, written statements and future court appearances may not be necessary.

## **COURT ARRAIGNMENTS**

The purpose of an arraignment is to tell the Judge/Clerk how you wish to proceed with your case. You are allowed to re-schedule your arraignment date, one time only, by calling the Court Clerk at (503) 842-4861 ext. 3462.

You have two options at your arraignment:

1. You can plead GUILTY or NO CONTEST. You can offer an explanation to the Judge. The Judge will consider your explanation, driving record and the seriousness of the violation in setting your fine amount.

A plea of NO CONTEST under Oregon Law results in a Guilty finding by the Court and the Judge will consider any explanation you provide, your driving record and the seriousness of the violation in setting your fine amount. The benefit to a NO CONTEST plea is that you do not have to admit guilt in open court.

2. You can plead NOT GUILTY if you wish to contest the charge against you. The Court will set a date for your trial after the \$50.00 trial fee is paid. The Court Clerk will notify you, by mail, of the trial date.

**REMEMBER:** If you do not follow any order of the Court, including an order to pay a fine, your driver's license may be suspended and you may be subject to further legal action and costs.

## **ADVICE OF RIGHTS AND COURT PROCEDURES**

You must check in at the Court Clerk's window before going into the courtroom. Cases are usually called on a first-come, first-served basis. Please be seated when you enter the courtroom. Turn off all cell phones and audible pagers. If you are wearing a hat, please remove your hat.

When the Judge calls your name, please approach the table before the Judge. The Judge will ask whether you understand your rights and read the charges against you. The Judge will then ask whether you understand the violation with which you are charged and ask you to enter a plea.

## **ENTRY OF PLEA**

- A GUILTY plea means you are admitting to the conduct charged. You may give the Judge an explanation. The Judge will consider your explanation and driving record in setting your fine.
- A NO CONTEST plea under State law has the same result as a GUILTY plea and means you are not contesting the ticket. You may give the Judge an explanation. A NO CONTEST plea allows you to settle the ticket without admitting guilt.
- A NOT GUILTY plea means you are requesting a trial. If you want a trial you may inform the Court Clerk at any time prior, and up to your scheduled court time. There is no need to appear in front of the Judge at the time you enter a

NOT GUILTY plea. You must pay a \$50.00 trial fee (Court Order 01-01) before your trial will be scheduled. This fee is refunded if you are found not guilty and is not refunded if found guilty, nor is it applied to your assessed fine.

## **TRIALS**

Trials are usually held on Friday mornings at 9:00 a.m. Your case will be tried by the Court, not a jury. Since this is not a crime you do not have a right to a jury trial.

At a trial you will appear in the Court, with the citing officer, to present evidence about your case. Evidence can include the testimony from you, the citing officer, any witnesses and photographs or diagrams.

If you choose to hire an attorney to represent you, your attorney must provide a letter of representation to the Court no later than 14 days prior to the trial date. The Court will automatically reschedule your trial upon notification that you have retained an attorney.

## **PAYMENT OF FINES**

After hearing closing arguments, the Judge will make a decision (guilty or not guilty) and impose a fine, if appropriate. If a fine is imposed full payment is due before leaving the Court unless other payment arrangement are made. The Court Clerk will meet you at the Municipal Court window so you can make payment or payment arrangements. The Tillamook Municipal Court does allow you to defer payment in some cases, but there is a deferred payment fee. The Court Clerk will complete a payment contract and will advise you of the deferred fee. The Court does not send out billing statements.

## **RIGHTS**

1. You have the right to remain silent. Anything you say can be used against you.
2. You have the right to hire an attorney. The City does not provide you with an attorney.
3. You have the right to a trial. If you want a trial you must enter a NOT GUILTY plea. At your trial you have the right to:
  - subpoena witnesses to appear and testify on your behalf,
  - question any witness that testifies against you,
  - remain silent at the trial. The burden is on the City to prove, by a preponderance of the evidence, that you committed the violation with which you are charged.

You will present your case to the Court if you do not hire an attorney to represent you. The citing officer will present the City's case. Many persons choose to represent themselves. Non-attorney trials are informal and typically take 30 minutes or less.

You (the defendant) may ask the Court to reschedule your initial trial date. This must be done in writing and no later than ten (10) days before the scheduled trial date. Only one (1) reschedule is granted.

The Court Clerk will notify all parties involved, by mail, of the rescheduled trial date. Please be sure to notify the Court if your mailing address changes.

**REMEMBER:** If you fail to appear at your scheduled Court date or fail to pay any fine imposed, various procedures will be implemented to collect unsatisfied judgments. These include, but are not limited to: suspension of your driver's license, with an additional fee of \$100.00 levied, and referral of the unpaid amount to a collection agency (they also add an additional fee).

If you are found guilty you have the right to appeal to the Tillamook County Circuit Court for a new trial per **ORS 221.359**. A Notice of Appeal, along with a non-refundable filing fee of \$189.00 (subject to change), payable to the Tillamook County Circuit Court, must be filed with the Tillamook Municipal Court within thirty (30) days of the date of your conviction.